

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ARTILLIS MITCHELL ,

Petitioner,  
v.

REED A. RICHARDSON,

Respondent.

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ORDER

Case No. 19-cv-245-bbc

Petitioner Artillis Mitchell seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner requests leave to proceed without prepayment of the filing fee. Petitioner has supported this request with an affidavit of indigency and a six-month trust account statement from the institution.

In determining whether to allow a prisoner to proceed without prepayment, this court uses the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from petitioner's trust fund account statement, I find that petitioner is able to pay the filing fee. Accordingly, I will deny petitioner's application for leave to proceed without prepayment of the filing fee. To proceed further on this habeas petition, petitioner must pay the \$5 filing fee. If petitioner fails to pay the fee by April 22, 2019, the petition, I will assume that petition wishes to withdraw this petition.

## ORDER

IT IS ORDERED that:

1. Petitioner Artillis Mitchell's motion for leave to proceed without prepayment of the filing fee is DENIED. Petitioner has until April 22, 2019 in which to pay the \$5 filing fee.
2. If by April 22, 2019 petitioner fails to submit the \$5 filing fee, I will assume that petitioner wishes to withdraw this petition.

Entered this 1<sup>st</sup> day of April, 2019.

BY THE COURT:

/s/

PETER OPPENEER  
Magistrate Judge